

REMARKSRequest for Reconsideration of Restriction Requirement

It is respectfully requested that the examiner reconsider the restriction requirement and withdrawal of claims 46-54 from consideration, as set forth in the office action of August 1, 2003, for the reasons stated below.

As the examiner has correctly noted, "applicant's original claims only require that the rotor be supported by at least one of an input member of a fluid transmitting apparatus, an output shaft, and the case of the fluid transmitting apparatus." The language "at least one" includes "one." Accordingly, as characterized by the examiner, original claim 20 was generic to embodiments wherein the rotor was supported by only an input member of a fluid transmitting apparatus, embodiments wherein the rotor was supported by only the output shaft and embodiments wherein the rotor was supported only by the case of the fluid transmitting apparatus. Claim 20 was generic to claims 21 and 28.

Claims 39-44

The examiner will note that claim 39 has been amended to define the rotor of the motor and the lock-up clutch as being axially overlapping. This amendment, though after final, should be entered because (1) it was not presented earlier because the reference prompting the

amendment was first cited in the final action, (2) it raises no new issue because the substantive feature added to claim 39 is found in previously examined claims 43, 49, 53, 57 and 61 (see the discussion below regarding the rejection of claims) and (3) it serves to place the claim in condition for allowance or, at the minimum, reduce the issues on appeal.

In view of the present amendments to claim 39, the rejection for anticipation by Werner et al, as set forth in paragraph 7 of the office action, is believed to be moot. With respect to claim 39 and claims 40-44 dependent thereon, Werner et al do not show a lockup clutch and if a lockup clutch were to be added it would necessarily be placed within the housing 4 where it could not be axially overlapping with the rotor. Again, compare claims 43, 49, 53, 57 and 61 which were not rejected for anticipation by Werner et al.

Claims 55, 56, 59 and 60

The rejection for anticipation by Werner et al as applied to claims 55, 56, 59 and 60 in paragraph 7 of the office action, is also traversed. Claims 55, 56, 59 and 60 require that the case provide end point of support for the rotor. In contradistinction, in Werner et al the rotor is shown as supported by attachment to crankshaft 1 through bolts 15, with a spline connection between hub 6 and drive flange 2 (shaft 7) of the hydrodynamic torque converter 5. The casing provides no point of support for the rotor 11. Werner et al nowhere discloses or suggests the rotor be directly supported by any portion of the housing or "crankcase 12."

Claims 43, 57 and 61

The rejection of claims 43, 57 and 61 for obviousness, as set forth in paragraph 8 of the office action, is respectfully traversed. The rejection is also traversed to the extent that it might be deemed applicable to newly presented claim 39. The examiner relies upon the teachings of Tabata et al for disclosure of a "multi-disc lockup clutch". However, the rejected claims 43, 57 and 61 require more than mere addition of a lockup clutch to the apparatus of Werner et al. The examiner's attention is directed to the fact that claim 43 depends from claim 42 which, in turn, depends from claim 40. Reading the limitations of these claims, it should be appreciated that "if said lockup clutch is arranged radially inward of said middle portion of said front cover" (claim 43) and "said rotor is arranged on an outer side of and parallel to said middle portion with said predetermined gap therebetween", it necessarily follows that the rotor axially overlaps the lockup clutch. It is easily seen in the drawings of Tabata et al that rotor 32 does not axially overlap the lockup clutch 52 and, moreover, there is no suggestion in the reference that the structure could or should be modified to provide such an axial overlap.

The Rejection of Claims 44, 58 and 62 for Obviousness

The rejection of claims 44, 58 and 62, as set forth in paragraph 9 of the office action, for obviousness over Werner et al is respectfully traversed for the reason that these claims depend from claims allowable over Werner et al for the reasons noted above.

In conclusion, it is respectfully requested that the examiner reconsider the rejections of record with a view toward allowance of the claims as presented here.

Respectfully submitted,

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